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2010 APR 28 PM 4:11
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

6 Attorneys for Plaintiffs
7 GRASSHOPPER HOUSE, LLC and
PASSAGES SILVER STRAND, LLC

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 GRASSHOPPER HOUSE, LLC, a)
California limited liability company doing)
12 business as "Passages Malibu,")
PASSAGES SILVER STRAND, LLC, a)
13 California limited liability company,)

14 Plaintiffs,

15 v.

16 RENAISSANCE RECOVERY)
SERVICES, LLC, a California limited)
17 liability company; NNB RECOVERY)
SERVICES, LLC, a California limited)
18 liability company; and SALVATORE)
PETRUCCI, an individual,)

19 Defendants.
20
21

CASE NO.: CV10 3198

DMG (UCx)
COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF FOR:

1. UNFAIR COMPETITION;
2. UNJUST ENRICHMENT; and
3. INJURY TO BUSINESS REPUTATION

DEMAND FOR JURY TRIAL

22 Plaintiffs GRASSHOPPER HOUSE, LLC and PASSAGES SILVER STRAND,
23 LLC allege:

24 1. This is a civil action for unfair competition under the Lanham Act, 15
25 U.S.C. § 1051 et seq., for unfair business practice arising under California Business
26 and Professions Code § 17200 et seq., for unjust enrichment, and for injury to
27 business reputation.

28 ///

THE PARTIES

2. Plaintiff GRASSHOPPER HOUSE, LLC ("Grasshopper House") is a limited liability company organized and existing under the laws of the State of California, with its principal place of business at 6428 Meadows Court, Malibu, California 90265.

3. Plaintiff PASSAGES SILVER STRAND, LLC ("Passages Silver Strand") is a limited liability company organized and existing under the laws of the State of California, with its principal place of business at 6428 Meadows Court, Malibu, California 90265. (Plaintiffs Grasshopper House and Passages Silver Strand are sometimes collectively referred to herein as "Plaintiffs.")

4. Plaintiffs are informed and believe and based thereon allege that Defendant RENAISSANCE RECOVERY SERVICES, LLC ("Renaissance") is a limited liability company organized and existing under the laws of the State of California, which conducts business within the Central District, the location in which infringing acts have occurred.

5. Plaintiffs are informed and believe and based thereon allege that Defendant NNB RECOVERY SERVICES, LLC ("NNB") is a limited liability company organized and existing under the laws of the State of California, which conducts business within the Central District, the location in which infringing acts have occurred.

6. Plaintiffs are informed and believe and based thereon allege that Defendant SALVATORE PETRUCCI ("Petrucci") is an individual who resides in the State of California and conducts business within the Central District, the location in which infringing acts have occurred. (Defendants Renaissance, NNB, and Petrucci are sometimes collectively referred to herein as "Defendants.")

7. Plaintiffs are informed and believe and based thereon allege that Defendants, and each of them, were and are the agents, employees, partners, joint-venturers, co-conspirators, owners, principals and employers of the remaining

1 Defendants, and each of them are, and at all times herein mentioned were, acting
2 within the course and scope of that agency, partnership, employment, conspiracy,
3 ownership or joint venture. Plaintiffs further are informed and believe and based
4 thereon allege that the acts and conduct herein alleged of each of the Defendants were
5 known to, authorized by and/or ratified by the other Defendants, and each of them.

6 7 **JURISDICTION AND VENUE**

8 8. This Court has federal question subject matter jurisdiction over Plaintiffs'
9 federal unfair competition claim pursuant to 28 U.S.C. §§ 1331 and 1338.

10 9. The Court has supplemental jurisdiction over the remaining claims
11 pursuant to 28 U.S.C. § 1367.

12 10. This Court has personal jurisdiction over Defendants because they
13 conduct business in the State of California and within the Central District.

14 11. Venue properly lies in the Central District of California pursuant to 28
15 U.S.C. §1391 and §1400, because the acts complained of herein have been committed
16 and are being committed in this Judicial District, Defendants are subject to personal
17 jurisdiction within this Judicial District, and Plaintiffs have their principal place of
18 business within the Judicial District.

19 20 **FACTUAL BACKGROUND**

21 12. Grasshopper House operates a leading alcohol and drug addiction
22 treatment facility, with a national clientele. For many years, Grasshopper House has
23 been doing business as "Passages" and "Passages Malibu," and has used PASSAGES
24 and PASSAGES MALIBU as its trademarks. Grasshopper House uses the domain
25 name PassagesMalibu.com and maintains a website at
26 <http://www.passagesmalibu.com>.

27 13. Passages Silver Strand is affiliated with Grasshopper House and uses the
28 trademark PASSAGES under a license agreement. Passages Silver Strand also has

1 begun using the mark PASSAGES VENTURA, and has used the mark PASSAGES
2 SILVER STRAND during relevant periods of infringement described below.

3 **Overview of Google AdWords Program**

4 14. Google is a well-known search engine that has emerged as the
5 nationwide leader in search queries by internet users. Yahoo has the second position
6 in search queries. The discussion below describes the Google advertising process.
7 The Yahoo process is similar.

8 15. In addition to retrieving "hits" based on search terms, Google also
9 features "sponsored links" on search results pages. These "sponsored links" are links
10 that are paid for by users through Google's AdWords advertising program. AdWords
11 allows users to create their own advertisements which will be displayed as "sponsored
12 links" on Google's search results web pages and on other websites that are part of
13 Google's advertising network. Both the content of the AdWords advertisement and
14 the search terms, known as "keywords", which trigger the appearance of the
15 advertisement on the Google search results page and other websites are controlled by
16 the AdWords advertiser.

17 16. Each advertisement consists of five parts, all of which are created by the
18 AdWords advertiser: (i) a headline of 25 or fewer characters; (ii) a first descriptive
19 lines of 35 or fewer characters; (iii) a second descriptive lines of 35 or fewer
20 characters; (iv) a display URL of 35 or fewer characters; and (iv) a destination URL,
21 which is linked to both the display URL and to the advertisement's headline. These
22 user-supplied components are then incorporated to generate a text advertisement
23 generally of the following form:

24 EXAMPLE HEADLINE

25 Example description line 1

26 Example description line 2

27 www.???.com

28 ///

1 17. After creating an advertisement, the AdWords user sets up a list of
2 keywords (words or phrases) to be associated with the given advertisement or ad
3 group. Google uses the keywords to determine when the advertisement may appear
4 on Google search results pages, and website pages of a Google search partner or
5 member of the Google content network.

6 18. "Sponsored" AdWords advertisements appear, among other places, on
7 Google search results pages, either alongside or above the search results, on Gmail
8 webpages, and on the pages of websites that are members of the Google Network.

9 19. Whether an advertisement shows up on a page, and where that
10 advertisement is positioned in relation to the other advertisements, is determined in
11 large part by the keywords that the advertiser lists to associate with that
12 advertisement.

13 20. Defendants use various domain names in advertising their alcohol and
14 drug addiction facilities, including without limitation the domain name
15 <http://www.maliburecovery.com>.

16 21. Defendants have used, and continue to use Plaintiffs' trademarks, without
17 authorization, in Defendants' internet advertising. Defendants do so in an effort to
18 trade on the goodwill of the Plaintiffs' trademarks and trade name, thereby tricking
19 customers into thinking that Defendants' goods and services are associated with
20 Plaintiffs. Defendants' unauthorized use of Plaintiffs' trademarks and trade name also
21 confuses potential customers searching for Plaintiffs on the internet and misdirects
22 them to Defendants' websites instead of the Plaintiffs' websites.

23 22. In particular, and among other things, Defendants willfully and
24 purposefully utilize Plaintiffs' trademarks and trade name in Defendants' Google
25 AdWords and Yahoo advertising in such a way as to create a likelihood of confusion
26 among consumers that Defendants' goods and services are associated with Plaintiffs
27 or otherwise lures them to Defendants' websites.

28 ///

1 23. Defendants have used and continue to use Plaintiffs' trademarks in their
2 internet advertising in an effort to confuse the public.

3 24. Defendants' websites contain no disclaimers that it is not affiliated or
4 sponsored by Plaintiffs. Defendants' use of Plaintiffs' trademarks and trade name in
5 its internet advertising is an attempt to trade on the goodwill of Plaintiffs' marks and
6 confuse the consumer.

7 25. Plaintiffs are informed and believe and based thereon allege that
8 Defendants are willfully and purposely using Plaintiffs' trademarks and trade name
9 as a targeted keyword phrase in their internet advertising.

10 26. Defendants have made, and are continuing to make, false and misleading
11 statements of material fact in their attempt to promote their addiction treatment
12 facilities and related services.

13 27. Plaintiffs are informed and believe and based thereon allege that the
14 foregoing pronouncements, among others, are false and misleading descriptions of
15 material fact that, individually and collectively, misrepresent the nature,
16 characteristics, qualities and results of the services offered by Defendants.

17 28. As a competitor, Plaintiffs have been and will continue to be damages
18 by Defendants' false and misleading statements of fact as they improperly divert
19 consumers away from Plaintiffs' rehabilitation services.

20
21 **FIRST CAUSE OF ACTION**

22 **FEDERAL UNFAIR COMPETITION (15 U.S.C. § 1125(a))**

23 29. Plaintiffs hereby incorporate by reference the allegations contained in
24 paragraphs 1 through 28.

25 30. Defendants have used, and continue to use, without authorization,
26 Plaintiffs' trademarks and trade dress, or confusingly similar names, marks and trade
27 dress or variations thereof, in interstate commerce falsely to represent, describe and
28 designate the origin of and other facts related to goods and services in a manner that

1 is likely to cause confusion, to cause initial interest confusion, to cause mistake,
2 and/or to deceive as to the affiliation, connection and association of Plaintiffs'
3 trademarks and trade dress and the origin, endorsement, sponsorship, or approval of
4 those goods in violation of § 43(a) of the Lanham Act, 15 U.S.C. § 1125. Defendants'
5 unauthorized use of Plaintiffs' trademarks and trade dress, or confusingly similar
6 names or variations thereof, are also likely to cause consumer confusion or mistake
7 with respect to sponsorship or endorsement of Defendants' websites and the goods
8 and services offered on such websites, and to divert consumers away from Plaintiffs'
9 website in violation of the Lanham Act.

10 31. As a result of Defendants' wrongful and unfair acts, Defendants have
11 been unjustly enriched and it is inequitable to allow Defendants to retain this benefit
12 under the circumstances.

13 32. Plaintiffs have suffered damages as a direct and proximate result of
14 Defendants' use of such false descriptions or representations, including confusion and
15 deception of the trade and purchasing public, incalculable injury to their goodwill and
16 business reputation, and the expenditure of attorneys' fees, for which Plaintiffs have
17 no adequate remedy at law. Plaintiffs will continue to suffer irreparable injury unless
18 this Court enjoins Defendants' acts of infringement.

19 33. Defendants' acts of infringement, described above, were willful such as
20 to justify the award of treble damages and attorney fees to Plaintiffs.

21 22 **SECOND CAUSE OF ACTION**

23 **UNJUST ENRICHMENT**

24 34. Plaintiffs hereby incorporate by reference the allegations contained in
25 paragraphs 1 through 33.

26 35. Defendants have used and continue to use Plaintiffs' trademarks and
27 trade dress without authorization in connection with the advertisement, sale and
28 offering for sale of its competitive goods and services.

1 36. Defendants' wrongful and unauthorized use of the Plaintiffs' trademarks
2 and trade dress is likely to cause confusion as to the source or sponsorship of
3 Defendants' goods and services and further is likely to cause the consumer confusion
4 when searching for Plaintiffs on the internet and to divert the consumers to
5 Defendants' websites and services rather than those of Plaintiffs.

6 37. As a result of its wrongful acts, as alleged herein, Defendants have been
7 unjustly enriched in an amount to be determined at the time of trial. It is inequitable
8 to allow Defendants to retain this benefit under the circumstances.

9
10 **THIRD CAUSE OF ACTION**

11 **INJURY TO BUSINESS REPUTATION**

12 38. Plaintiffs hereby incorporate by reference the allegations contained in
13 paragraphs 1 through 37.

14 39. Plaintiffs allege that Defendants' use of Plaintiffs' trademark and trade
15 dress inures and creates a likelihood of injury to Plaintiffs' business reputation
16 because persons encountering Plaintiffs and their products and services will believe
17 that Plaintiffs are affiliated with or related to or has the approval of Defendants, and
18 any adverse reaction by the public to Defendants and the quality of their products and
19 the nature of its business will injure the business reputation of Plaintiffs and the
20 goodwill that they enjoy in connection with its trademark and trade dress.

21
22 **DEMAND FOR JURY TRIAL**

23 40. Plaintiffs hereby exercise their right to a jury trial under the Seventh
24 Amendment to the United States Constitution, and pursuant to Fed. R. Civ. Proc.,
25 Rule 38, demand a jury trial in accordance therewith.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray to the Court that it grant the following relief:

1. That this Court permanently enjoin Defendants, and their officers, directors, employees, agents, servants, and all persons, firms, corporations, franchisees and associates in concert or participation with Defendants from doing any of the following:

a. conducting or doing business, in any capacity, using Plaintiffs' trade dress or trademarks, or any confusingly similar marks, trade dress, designations or variations thereof;

b. using Plaintiffs' trademarks or trade dress, or any confusingly similar marks, trade dress, derivative or form thereof, in connection with the advertisement, sale or offering for sale of goods and services, including the use in any internet advertising programs (including as text, headlines or keywords), promotional materials, and web sites;

c. falsely or inaccurately describing or designating the origin of or other facts related to any goods or services in any manner that is likely to cause confusion, mistake or deception as to the affiliation, connection and association of Defendant with Plaintiffs;

d. falsely or inaccurately describing the nature, characteristics, qualities and results of the services offered by Defendants;

e. engaging in any conduct violative of 15 U.S.C. § 1125(a);

2. That this Court require Defendants to pay Plaintiffs damages in a sum to be proven at trial and including Defendants' profits and the actual damages suffered by Plaintiffs as a result of Defendants' acts;


3. That Defendants pay treble damages because of the willful acts described in this Complaint, all of which were in disregard of Plaintiffs' rights;

4. For restitution and disgorgement of all profits and other benefits unjustly obtained by Defendants as a result of their wrongful actions;

5. That this Court award Plaintiffs their reasonable attorneys' fees; and
6. That this Court grant such other and further relief as is just and proper.

WOLF, RIFKIN, SHAPIRO, SCHULMAN &
RABKIN, LLP

DATED: April 28, 2010

By: 
CHARLES J. HARDER
Attorneys for Plaintiffs
GRASSHOPPER HOUSE, LLC and
PASSAGES SILVER STRAND, LLC

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Dolly Gee and the assigned discovery Magistrate Judge is Jacqueline Chooljian.

The case number on all documents filed with the Court should read as follows:

CV10- 3198 DMG (JCx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

GRASSHOPPER HOUSE, LLC, a California limited liability company doing business as "PASSAGES MALIBU," PASSAGES SILVER STRAND, LLC, a California limited liability company
PLAINTIFF(S)
V.

CASE NUMBER

CV10 3198 DMG (JCx)

RENAISSANCE RECOVERY SERVICES, LLC, a California limited liability company; NNB RECOVERY SERVICES, LLC, a California limited liability company; and SALVATORE PETRUCCI, an individual,
DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S): Renaissance Recovery Services, LLC, NNB Recovery Services, LLC and Salvatore Petrucci

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Charles J. Harder, whose address is WRSS&R, 11400 W. Olympic Blvd., 9th Fl., Los Angeles, CA 90064. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: APR 28 2010

By: CHRISTOPHER POWERS
Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) GRASSHOPPER HOUSE, LLC, a California limited liability company doing business as "PASSAGES MALIBU," PASSAGES SILVER S	DEFENDANTS RENAISSANCE RECOVERY SERVICES, LLC, a California limited liability company; NNB RECOVERY SERVICES, LLC, a California
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Charles J. Harder Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP 11400 West Olympic Boulevard, Ninth Floor Los Angeles, California 90064 310/478-4100	Attorneys (If Known) Unknown

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				
IV. ORIGIN (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge																									

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

☒ **MONEY DEMANDED IN COMPLAINT:** \$ To be determined at trial

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

15 U.S.C. Section 1125(a) - Federal Unfair Competition

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609
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CV10 3198

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☐ No ☒ Yes

If yes, list case number(s): CV 2:09 MC-00374 UA

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☒ A. Arise from the same or closely related transactions, happenings, or events; or
☒ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

CHARLES J. HARDER

Date April 28, 2010

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))